

MARKED UP COPY OF AMENDED CLAIMS 38-41

38. (Amended) The method of claim [1,] 42 wherein the cap layer and the first antireflective coating are used as a hard mask.

39. (Amended) The method of claim [1,] 42 wherein the cap layer and the first antireflective coating form a graded change in an index of refraction.

41. (Amended) The method of claim [1,] 42 wherein the cap layer has a dielectric constant that is closer than a dielectric constant of the first antireflective coating to a subsequent photoresist mask layer dielectric constant.